

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

Case No. 2:22-cv-00422-JRG-RSP

JURY DEMANDED

**DECLARATION OF JAMES PICKENS IN SUPPORT OF
PLAINTIFF HEADWATER RESEARCH LLC'S MOTIONS *IN LIMINE***

1. I, James Pickens, declare as follows.

2. I am counsel for Headwater Research LLC (“Headwater”) in the above-captioned action. I provide this declaration in support of Headwater’s Motions *in Limine*. I have personal knowledge of the facts set forth herein, and if called upon to testify, could and would testify competently thereto.

3. During their meet and confer regarding motions *in limine*, the parties discussed the subject matter of Headwater’s MIL No. 5. Headwater asked whether Samsung would stipulate to this MIL, particularly in light of the Court’s comments during the April 24, 2024 motion hearing. Samsung refused and asserted that, in its view, these issues “shed direct light on Headwater’s financial position at the time of the hypothetical negotiation in 2016, and they have mathematical relevance to the damages issues.”

4. Attached as Exhibit 1 is a true and correct copy of excerpts from the deposition transcript of James Lavine, dated January 31, 2024.

5. Attached as Exhibit 2 is a true and correct copy of excerpts from Samsung’s Deposition Designations in this action, dated May 24, 2024.

6. Attached as Exhibit 3 is a true and correct copy of excerpts from the deposition transcript of James Harris, dated November 27, 2023.

7. Attached as Exhibit 4 is a true and correct copy of excerpts from the deposition transcript of David Johnson, dated February 21, 2024.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 10, 2024 at Fort Lauderdale, Florida.

By: /s/ James Pickens
James Pickens

CERTIFICATE OF SERVICE

I hereby certify that on June 10, 2024, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF System per Local Rule CV-5(a)(3).

/s/ James Pickens
James Pickens